IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	HAHN-CARLSON	Examiner:	Backer, F.
Serial No.:	09/527,717	Group Art Unit:	3621
Filed:	March 17, 2000	Docket No.:	USBA.004PA
Title:	VALIDATION APPROACH FOR AUDITING A VENDOR-BASED TRANSACTION		

SUPPLEMENTAL REPLY BRIEF

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Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No.
40581

Dear Sir:

This Reply Brief is submitted pursuant to 37 C.F.R. § 41.41(a)(1) for the above-referenced patent application. On May 27, 2009, the Examiner issued a second Examiner's Answer, following an Order Returning Undocketed Appeal to Examiner of January 26, 2009, which was issued after Appellant's Reply Brief filed on March 10, 2008. This Reply Brief was filed in response to the Examiner's Answer, mailed on January 10, 2008, in response to Appellant's Appeal Brief submitted on October 15, 2007, in support of the Notice of Appeal filed on July 16, 2007 (with an extension of time), and in response to the final rejections of claims 13 and 16-26 as set forth in the final Office Action dated March 15, 2007, and further in response to the Advisory Action dated June 5, 2007.

No fee should be required for the timely filing of this Reply Brief. However, if deemed necessary, authorization is given to charge/credit Deposit Account No. 50-0996 (USBA.004PA) for all required fees/overages.

Status of Claims

Claims 1-12 stand canceled. Claims 14-15 stand withdrawn following a restriction requirement dated May 22, 2006. Claims 13 and 16-27 stand rejected and are presented for appeal. The pending claims under appeal are listed in the attached Claims Appendix.

Grounds of Rejection

The following grounds of rejection are based upon those indicated in the Final Office Action.

A. Claims 13 and 16-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Henn (U.S. Patent No. 5,770,844).

B. Claim 27 was not addressed in the Final Office Action and is accordingly believed to be allowable (Appellant notes that claim 27 was added to the statement of rejection in the second Examiner's Answer, but was not otherwise addressed).

Appellant's Reply Argument

Appellant submits that the second Examiner's Answer has failed to comply with the requirements of the Order of the Board to "clarify the status of claim 27," in providing no explanation or rationale as to the rejection of the claim and the specific limitations therein. In short, the second Examiner's Answer appears to have simply added claim 27 to the statement of rejection, without providing any explanation as to where any limitations in the claim are disclosed in the prior art or otherwise clarify any rationale for the rejection thereof. This is also consistent with the record, in which no correspondence has been established to the limitations in claim 27. As nothing in the record would support a rejection of claim 27 and as it further appears that any such rejection would be new grounds of rejection, Appellant believes that the rejection of claim 27 should be reversed.

The Office Actions and Examiner's Answers of record have also failed to assert or show correspondence to the vast majority of all claim limitations as required under Section 102(e). For instance, in rejecting all of the claims, the Final Office Action addressed only claim 13, and followed the recitation with the statement: "*see* Summary of the Invention, Col. 2: 40 –Col. 5: 54." The substance of the *entire* rejection of all claims is thus based upon this phrase and

citation to the summary of the Henn reference. In this regard, the record has failed to establish correspondence to each limitation in claim 13, and has ignored the majority of all limitations of the other claims in their entirety. The characterization of these cited portions of the Henn reference is also based upon the Examiner's confusion of processing/auditing and providing payment, with the receipt of payment (*i.e.*, the citation to "vendors" is based upon an entity that receives payment, whereas the claim limitations are directed to an entity that provides payment). Despite Appellant's requests for a showing of such correspondence or removal of the rejections, neither the Office Actions of record nor the Examiner's Answers have addressed these issues. Appellant submits that these unsupported rejections are in direct contrast with 35 U.S.C. § 102, the M.P.E.P. and relevant law. The following addresses the aforesaid lack of correspondence and impropriety of the rejections in greater detail.

Referring to claim 13 and as applicable to other independent claims, no portion of the Henn or any other reference has been cited as providing direct correspondence to the following claim limitations:

a)   generating transaction information prior to processing by a subvendor,

b)   providing an authorized profile list criterion that includes information about authorized users empowered to authorize payment by a vendor (who provides services to buyers), and

c)   determining whether transaction information satisfies such criterion.

Appellant has reviewed the Henn reference and cannot ascertain the disclosure of these limitations or any teaching or suggestion of the same.

Regarding claims 17-20, the Examiner has not cited any portion of the Henn reference (or any other reference) that describes transaction functions relating to using multiple levels of authorization to determine characteristics of a user's authorization, or that describes related transaction performance.

Regarding claims 23-25, the Examiner has not cited any portion of the Henn reference (or any other reference) that describes transaction functions relating to different users empowered to authorize payment for a particular vendor.

Regarding claim 26, the Examiner has not cited any portion of the Henn reference (or any other reference) that describes transaction functions or processes involving different users that empowered to authorize payment for a particular vendor for remote services.

Regarding claim 27, the Examiner has made no attempt to provide correspondence, in the second Examiner's Answer or otherwise in the record. In this regard, Appellant believes claim 27 to be allowable, per indication in the Appeal Brief and other responses of record.

As applicable to claims that are discussed above, instead of showing correspondence to the above and/or other claim limitations on a limitation-by-limitation basis, the Examiner has relied upon broad characterizations using general terms such as "transaction," "audit" and "vendor" that are used in a manner that is completely different from the claimed invention and that fail to provide correspondence to various limitations and/or to the claimed invention as a whole. On a broad level, the Henn reference uses a computer chip in a credit card to ensure that the card is valid and that data communicated from the card (when used at a merchant's location) is not fraudulent (*see, e.g.*, column 4:40-5:7). Henn is thus directed to transactions involving direct interaction between buyers and merchants (*i.e.*, at a merchant point-of-sale). This point-of-sale transaction approach provides no correspondence to the claimed approach involving vendors and sub-vendors, where the vendor provides a service that is processed by a merchant offering provider, and with the vendor also providing payment.

Using claim 13 as an example (and as further relevant to claims 16-26), the claimed invention is directed to auditing transactions between a vendor and subvendor-controlled merchant-offering providers who carry out services that are provided by a vendor/subvendor combination (*e.g.*, as applicable to a vendor that provides services to buyers, where services are provided to third party buyers). The end recipient of the services (or other offerings) is thus not involved in the transaction directly with the merchant-offering provider. As relevant to this discussion of claim 13, the Examiner's apparent misunderstanding of the Henn reference and its lack of relevance to the claimed invention is exemplified in the Examiner's Answer, which asserts that Henn's merchant is the claimed vendor. This assertion is contradictory because Henn's merchant receives payment from a buyer, where the claimed vendor provides payment (*see* page 4 of the Examiner's Answer, as highlighted in bold). The Examiner's assertion that "both teachings are equal" is clearly erroneous because Henn's merchant receives payment

(*i.e.*, there is no authorized profile criterion including information about "users empowered to authorize payment by the vendor"). In this regard, Henn's merchant does not correspond to the vendor-based claim limitations as asserted.
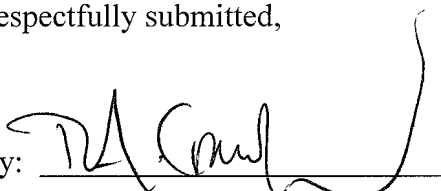
In view of the above, the rejections of claims 13 and 16-26 are improper. Any related rejection of claim 27 would also be improper. Appellant therefore requests reversal of the rejections as applied to the appealed claims and allowance of the entire application.

Authority to charge the undersigned's deposit account was provided on the first page of this brief.

Respectfully submitted,

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CLAIMS APPENDIX
(S/N 09/527,717)

13.   For transaction processing involving transaction information related to services provided from a vendor and one of plurality of subvendors and processed by one of a plurality of subvendor controlled merchant-offering providers, a method for validating a service transaction for auditing comprising:

    generating transaction information prior to processing by subvendor;

    providing an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor; and

    using a computer arrangement, maintaining data relating to the authorized profile list criterion and processing the transaction information by determining whether the transaction information satisfies the authorized profile list criterion, and by using the authorized profile list criterion to generate information for auditing a transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

16.   For transaction processing involving transaction information related to services provided by one of a plurality of vendors and processed by one of a plurality of merchant-offering providers, a transaction validation system for auditing comprising:

    a central processor arrangement programmed and configured:

        to maintain data relating to an authorized profile list criterion and to business rules, the business rules defined according to the authorized profile list criterion; and

        to process a business transaction submitted by an authorized user, the business transaction processed by using the authorized profile list criterion to determine that the user is authorized to perform the business transaction and by applying the business rules to perform the business transaction.

17.   A transaction validation system for auditing, according to claim 16, wherein the authorized profile list criterion includes multiple levels of authorization.

18.   A transaction validation system for auditing, according to claim 17, wherein at least two of the multiple levels of authorization respectively correspond to two different payment-authorization levels.

19.   A transaction validation system for auditing, according to claim 17, wherein the central processor arrangement is further programmed and configured to provide correspondence between at least one of the levels of authorization to the requested transaction.

20.   A transaction validation system for auditing according to claim 16, wherein the transaction is completed after correspondence is provided between at least one of the levels of authorization and the requested transaction.

21.   A transaction validation system for auditing according to claim 16, wherein the authorized profile list criterion includes a plurality of attributes associated with the authorized user submitting the business transaction.

22.   A transaction validation system for auditing according to claim 16, wherein the authorized profile list criterion includes a plurality of attributes associated with the authorized user submitting the business transaction.

23.   For transaction processing involving transaction information related to services provided by one of a plurality of vendors and processed by one of a plurality of merchant-offering providers, a processor arrangement programmed and configured to:

      maintain data relating to an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor;

      determine whether the processed transaction information satisfies the authorized profile list criterion; and

      use the authorized profile list criterion to generate information for auditing the processed transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

24.   The processor arrangement of claim 23, further programmed and configured to use the authorized profile list criterion to generate information for auditing in response to the processor determining that the processed transaction information satisfies the authorized profile list criterion.

25.   The processor arrangement of claim 24, further programmed and configured to effect payment for a transaction in response to the generated information.

26.   For transaction processing involving transaction information related to remote services provided by one of a plurality of vendors and remotely processed by one of a plurality of merchant-offering providers, a local processor arrangement programmed and configured to:

    maintain data relating to an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor;

    determine whether the remotely processed transaction information satisfies the authorized profile list criterion; and

    use the authorized profile list criterion to generate information for auditing the remotely processed transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers.

27.   The local processor arrangement of claim 25, further programmed and configured to generate information for auditing transactions occurring entirely separate from the local processor arrangement.

APPENDIX OF EVIDENCE

Appellant is unaware of any evidence submitted in this application pursuant to 37 C.F.R. §§ 1.130, 1.131, and 1.132.

APPENDIX OF RELATED PROCEEDINGS

As stated in Section II above, Appellant is unaware of any related appeals, interferences or judicial proceedings.